

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
vs.	§	Criminal No. C-06-804
	§	
ANTONIO VILLANUEVA,	§	
	§	
Defendant.	§	

**ORDER**

On this day came on to be considered Patrick J. O'Hare's ("Mr. O'Hare") "Motion to Withdraw as Counsel" for Defendant Antonio Villanueva in the above-styled action. (D.E. 40.) In his motion, Mr. O'Hare seeks to withdraw in part because Defendant wishes to appeal his case and Mr. O'Hare is not admitted to practice before the Fifth Circuit Court of Appeals. (D.E. 40 at ¶ II.) The Court notes, however, that any attorney "of good moral and professional character" may be admitted to practice before the Fifth Circuit if he or she is also admitted to practice before the highest court of a state or any United States district court, court of appeals, or the Supreme Court. See Fed. R. App. P. 46(a)(1). In order to gain admission, the attorney need only file an application for admission, on a form available on the Fifth Circuit's website, showing the attorney's eligibility for membership. Fed. R. App. P. 46(a)(2). Furthermore, Fifth Circuit rules state that there is no fee for admission for an "attorney appointed to represent an appellant in forma pauperis." 5th Cir. R. 46.1. Accordingly, lack of admission to practice before the Fifth Circuit is not grounds to

withdraw, and Mr. O'Hare's Motion to Withdraw as counsel is DENIED.

SIGNED and ENTERED this 10th day of May, 2007.

A handwritten signature in black ink, reading "Janis Graham Jack", written in a cursive style. The signature is positioned above a horizontal line.

Janis Graham Jack  
United States District Judge